

APPENDIX 6

CHRONOLOGY OF EVENTS

- 2 October 1997 Mr SE arrived in Australia without valid travel documents and was detained at Maribyrnong. He claimed to be refugee.
- 8 October 1997 Mr SE lodged a Refugee Status Application Request for Assistance.
- 12 November 1997 Mr SE interviewed by DIMA official.
- 25 March 1998 application for a Protection Visa refused.
- 30 March 1998 Mr SE applied to the RRT for a review the decision.
- 8 May 1998 RRT hearing.
- 21 May 1998 RRT affirmed the delegate's decision.
- 3 June 1998 DIMA officer provides advice that Mr SE's case does not fall within the Guidelines for the exercise of the ministerial discretion in section 417.
- 23 June 1998 request for Ministerial discretion under section 417 submitted by Refugee Advice and Casework Service (Australia) Inc.
- 29 June 1998 DIMA official rejects case as not falling under section 417.
- 22 July 1998 Minister refuses to exercise discretion under section 417.
- 25 September 1998 Mr SE requests Minister to exercise section 417 discretion.
- 22 October 1998 Minister refuses to exercise discretion under section 417.
- 22 October 1998 Somali National Organisation of Australia (Inc) requests Minister to exercise discretion under section 417.
- 28 October 1998 Minister refuses to exercise discretion under section 417.
- 28 October 1998 Mr SE requests Minister to exercise section 417 discretion and the request was refused the same day.
- Between 22-28 October 1998 Mr SE served with a notice of intention for removal from Australia to Somalia.
- 28 October 1998 The Refugee and Immigration Legal Centre (RILC) requests the Minister exercise his discretion under section 48B and allow Mr SE to make a new Protection Visa application.
- 28 October 1998 Amnesty International requested that Mr SE should not be returned to Somalia in order to avoid 'serious human rights abuses'.

- 29 October 1998 Mr SE escorted to Melbourne airport and placed in care of private contractors in accordance with arrangements for removal. Mr SE was unwilling to leave and, after consultation with the airhostess and the escort to South Africa, the pilot refused to carry him. He was returned to Maribyrnong.
- 29 October 1998 Minister refused RILC's request (on 28 October) on behalf of Mr SE to exercise his discretion under section 48B.
- 29 October 1998 RILC sent a further request for the Minister to exercise his discretion under section 48B and the Minister again declined on the same day.
- 30 October 1998 Second notice of intention to remove Mr SE.
- 30 October 1998 interim High Court injunction restraining removal of Mr SE granted upon application of RILC.
- 4 November 1998 High Court interim injunction extended for a further five days to allow for a full hearing.
- 9 November 1998 Injunction heard by the High Court.
- 16 November 1998 High Court lifted the interim injunction finding no case.
- 16 November 1998 RILC sought leave to appeal and leave to apply for another interim injunction. Leave not granted.
- 17 November 1998 RILC asks the United Nations Committee against Torture (UNCAT) to investigate.
- 18 November 1998 UNCAT requests that the Australian Government not remove Mr SE pending their investigations. UN Commissioner for Human Rights requests non-removal. The request was sent to the Australian Mission in Geneva.
- 19 November 1998 Mr SE taken from Maribyrnong and boarded 8.35am (EST) flight to Perth.
- 19 November 1998 at 6.30am (EST), Australian Mission in Geneva contacted an officer from the Attorney-General's Department advising that they had received a facsimile from UNHCR and had faxed it to DIMA and Attorney-General's Department. At 8.42am (EST) the Attorney-General's officer telephoned and faxed the communication request to DIMA. Minister agreed Mr SE would not be removed, pending the UNCAT investigation and halted the removal action upon Mr SE's arrival in Perth at 9.30am (WST).
- 19 November 1998 RILC applied for Federal Court Order to stay Mr SE's removal. The application was adjourned on the Minister's undertaking not to remove Mr SE pending outcome of UNCAT's investigations. An Order of Confidentiality for the suppression of Mr SE's name and identity, was obtained on the application of the Minister.
- 20 November 1998 Mr SE transferred to Port Hedland Detention Centre.

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- 24 November 1998 RILC applied to Federal Court seeking removal of suppression order and Mr SE's return to Maribyrnong, to be able to advise and instruct his lawyers.
 - 25 November 1998 RILC seeks Special Leave to Appeal to the High Court against its decision on 16 November 1998.
 - 8 January 1999 Mr SE returned to Maribyrnong.
 - 11 March 1999 the Australian Government forwards its Submission on the Admissibility and Merits of the United Nations Committee Against Torture.
 - 29 April 1999 RILC responds to the Government submission to UNCAT.
 - 13 May 1999 the Senate referred to the Legal and Constitutional References Committee an inquiry into the operation of Australia's Refugee and Humanitarian Program. Terms of reference (i) and (j) specifically refer to the case of Mr SE.
 - 26 May 1999 UNCAT issues a statement of its views in Mr SE's favour.
 - 28 May 1999 RILC asks Minister to use section 417 power and requests immediate release from detention.
 - 18 June 1999 last date for receipt of submissions to the Senate inquiry.
 - 5 July 1999 to 3 February 2000 Senate Committee hearings undertaken.